

REMARKS

Claims 1-18, 22-31, 33-36, and 38 were pending in the Application as of the Office Action of December 2, 2009. Claims 1, 17, and 22 are amended with this Response. Claim 36 is cancelled and claim 39 is added. Applicant respectfully thanks the Examiner for indicating the Allowable Subject Matter of claims 5, 9, 11-15, and 17. The Examiner's objections and rejections will now be respectfully addressed in turn.

Rejections under 35 U.S.C. §112, second paragraph

Claim 36 is rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. This rejection is rendered moot via the cancellation of claim 36. .

Rejections under 35 U.S.C. §101

Claim 36 is rejected under 35 U.S.C. §101 for allegedly failing to be directed to statutory subject matter. This rejection is rendered moot via the cancellation of claim 36.

Rejections under 35 U.S.C. §102(b)

Claims 1-3, 6-8, 10, 16, 18, 22-23, 26-31, and 38 have been rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,284,590 to DeBoer ("DeBoer" hereinafter). Applicant respectfully traverses this rejection.

Applicant notes that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant's independent claims 1 and 22 respectively recite *inter alia*,

"wherein the first and the second inlet means are coaxial," (claim 1) and

"wherein the jet and the liquid jet are coaxial." (claim 22)

De Boer does not disclose first solution inlet means/jet and as second agent inlet means/jet, wherein the first and second means/jet are disposed coaxially. On the contrary, De Boer teaches a fluid inlet 2 and an agent inlet 3 that are each disposed along a separate axis. This is evidenced by the vertical separation illustrated in Figures 1 and 2 of De Boer.

In addition, Applicant respectfully notes that the above quoted claim language is taken from the allowable subject matter of claim 17. For at least these reasons, Applicant respectfully asserts that De Boer does not anticipate Applicant's claims 1-3, 6-8, 10, 16, 18, 22-23, 26-31, and 38.

Rejections under 35 U.S.C. §103(a)

Claims 4, 24, 25, and 33-36 have been rejected under 35 U.S.C. §103(a) as being obvious over DeBoer. Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 4, 24, 25, and 33-36 depend from claims 1 and 22. As such, for at least the reasons set forth in the 102 remarks, Applicant respectfully asserts that DeBoer does not teach every element of Applicant's claims 4, 24, 25, and 33-36. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 4, 24, 25, and 33-36 with respect to DeBoer. Since DeBoer fails to teach or suggest all of the limitations of claims 4, 24, 25, and 33-36, and since De Boer relates to a different technical area than Applicant's disclosure, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a

reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Conclusion

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,

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